

Message Text

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ACTION IO-13

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TAGS: EGEN, ECOSOC, EINV
SUBJECT: SECOND SESSION OF UN WORKING GROUP ON CODE OF CONDUCT FOR
TRANSNATIONAL CORPORATION S(TNC'S), APRIL 18 AND 19, 1977
MEETINGS

REF: (A) E/C.10/16; (B) STATE 11003

1. SUMMARY: THE WORKING GROUP HAS GOTTEN OFF TO A CAUTIOUS START WITH NO NEW GROUND BEING BROKEN ON THE SUBSTANTIVE ISSUES. PACE AT WHICH WORK WILL PROCEED WILL BE INFLUENCED BY PENDING G-77 DECISION ON WHETHER TO WORK FROM SECRETARIAT PREPARED DRAFT ANNOTATIONS OR DISTRIBUTE DRAFTS OF THEIR OWN. IN ANY CASE, IT IS CLEAR THAT THE WG WILL NOT BE ABLE TO COMPLETE ITS WORK ON AN ANNOTATED OUTLINE OF A CODE OF CONDUCT BY THE END OF THIS WEEK AND WILL HAVE TO ENCROACH ON SOME OF THE TIME SCHEDULED FOR THE FULL COMMISSION MEETING. END SUMMARY.

2. UN WORKING GROUP ON CODE OF CONDUCT FOR TNC'S HAS BEGUN EFFORT TO PRODUCE ANNOTATION OF CODE OUTLINE IT
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DEVELOPED AT ITS FIRST SESSION (SEE REF B) FOR SUBMISSION TO THIRD SESSION OF UN COMMISSION ON TNC'S, APRIL 25-MAY 6. COMMISSION IS EXPECTED TO MAKE USE OF THE OUTLINE IN DRAWING UP A MANDATE FOR WG TO DRAFT TEXT OF CODE FOR SUBMISSION TO THE 1978 COMMISSION MEETING. ALTHOUGH ALL GROUPS HEWING TO WELL KNOWN POSITIONS, THE ATMOSPHERE IS NON-CONFRONTATIONAL AND THE TONE GENERALLY

POSITIVE.

3. WG CHAIRMAN (NIKLASSON, SWEDEN) INTENDS ANNOTATION TO BE SYSTEMATICALLY ORGANIZED SKELETON OF PRINCIPAL FEATURES TO BE INCLUDED IN A CODE, WITH BRIEF DESCRIPTIONS OF KINDS OF BEHAVIOR TO BE COVERED UNDER VARIOUS HEADINGS. HE IS PRODDING, GROUP TO PRODUCE AS MUCH AGREED LANGUAGE AS POSSIBLE (DRAWING ON REF A), WITHOUT PREJUDICE TO SUBSTANTIVE POSITIONS. TO THIS END HE IS REQUESTING SECRETARIAT TO PRODUCE DRAFTS OF ANNOTATIONS AFTER PRELIMINARY DISCUSSION OF EACH CODE ITEM, FOR FURTHER CONSIDERATION BY THE WG.

4. BASED ON DISCUSSION IN FIRST TWO DAYS OF PREAMBLE, DEFINITIONS, AND FIRST TWO ITEMS UNDER III A OF OUTLINE IT APPEARS INEVITABLE THAT MANY ANNOTATIONS WILL INCLUDE WIDELY DIVERGENT VIEWS. AS SECRETARIAT MAKES DRAFTES AVAILABLE, WE WILL REPORT CONTENTS.

5. ALTHOUGH G-77 MEMBERS AGREE ON SUPPORTING POSITIONS IN RELEVANT PARTS OF CERDS, NIEO RESOLUTION AND WORK OF SIXTH SPECIAL SESSION OF UNGA, THEY HAVE NOT REACHED COMMON POSITION ON ALL CODE ISSUES. AFRICANS AND LATINS EACH OPERATING FROM A COMMON POSITION PAPER, WHILE INDIAN PAPER APPARENTLY HAS NOT BEEN ACCEPTED BY ASIANS.

6. WEDNESDAY MORNING HAS BEEN LEFT OPEN FOR G-77 CAUCUS IN WHICH THEY WILL ATTEMPT TO GET THEIR ACT TOGETHER LIMITED OFFICIAL USE

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AND AGREE ON A STRATEGY. KEY ISSUE IS WHETHER THEY WILL AGREE TO WORK FROM ANNOTATIONS PREPARED BY THE SECRETARIAT OR SEEK TO GET THEIR VIEWS DISTRIBUTED IN FORM OF SEPARATE CONFERENCE PAPERS, WHICH MIGHT REQUIRE A DEVELOPED COUNTRY RESPONSE AND GENERALLY SLOW DOWN THE ALREADY VERY MEASURED PACE AT WHICH THE WG IS PROCEEDING.

7. DC'S HAVE MAINTAINED COMMON FRONT, WITH EFFECTIVE INFORMAL COORDINATION OF TACTICS. THE PRIOR DISCUSSION OF THESE ISSUES IN THE OECD IS CLEARLY PAYING OFF IN THIS REGARD.

8. "PROFOUND PERSONS" HAVE GENERALLY PROVIDED CONSTRUCTIVE, NON-POLEMICAL VIEWS, WHEN INVITED TO SPEAK BY THE CHAIRMAN FOLLOWING WG DISCUSSIONS ON MAJOR AGENDA ITEMS. G-77, HOWEVER, IS APPARENTLY UNHAPPY ABOUT ROLE BEING PLAYED BY PROFOUNDS IN MEETING. NIGERIAN TOLD U.S. DEL THAT MANY LDC DELS ARE CONCERNED THAT PROFOUNDS ARE BEING TREATED "ALMOST AS MEMBERS OF THE WG" AND, SUBSTANTIVELY, THAT

THEY ARE IN GENERAL ACTING AS APOLIGISTS FOR MNE'S AND
TAKING ISSUE WITH THE VIEWS OF GOVERNMENTS.

9. PLAN TO FORM TWO SUB-GROUPS TO MEET CONCURRENTLY
DROPPED OWING TO LACK OF TECHNICAL SUPPORT STAFF. ALL
DISCUSSIONS BEING HELD IN FULL WG, WHICH WILL MOST
PROBABLY HAVE TO EXTEND ITS MEETING INTO WEEK OF
APRIL 25.
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